

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONALD STIDHEM,

Plaintiff,

v.

LORINDA SCHWARTC, Chaplain, et al.,

Defendants.

2:15-cv-0379-TC
ORDER

MCSHANE, Judge:

Magistrate Judge Thomas M. Coffin filed a Findings and Recommendation (ECF No. 65), and the matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff filed objections to the Findings and Recommendation. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). I find no error and conclude the report is correct.

Magistrate Judge Coffin's Findings and Recommendation (ECF No. 65) is adopted. I assume, without deciding, that Stidhem asked the individual officers for grievance forms as stated in his declaration. I note defendants provided strong evidence that Stidhem's declarations could not be true because the particular officers did not work in Stidhem's unit at the times in question. Even assuming Stidhem asked on those three occasions for a grievance form, his minimal attempts at grieving his disputes during times when, as his own declarations establish, the officers were busy, fail to establish the administrative remedies, which he clearly was aware of, were "effectively unavailable to him." *See Albino v. Baca*, 747 F.3d 1162, 1172 (9th Cir. 2014) (*en banc*). Defendants' motion for summary judgment (ECF No. 30) is GRANTED as to each of plaintiff's claims except the "Quiznos" claim.

IT IS SO ORDERED.

DATED this 18th day of January, 2017.

/s/ Michael J. McShane
Michael McShane
United States District Judge